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Acting Under Authority Conferred by 28 U.S.C. § 515

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. CR 18-577 CRB
)	
Plaintiff,)	JOINT STATUS REPORT
)	
v.)	
)	
MICHAEL RICHARD LYNCH AND)	
STEPHEN KEITH CHAMBERLAIN,)	
)	
Defendants.)	

The Government and Defendants Michael Richard Lynch and Stephen Keith Chamberlain respectfully submit this joint status report and proposed schedule in advance of the scheduling conference set for June 27, 2023.

I. Modification to Protective Order

The parties request the Court modify the existing protective order agreed upon by the Government and Defendant Chamberlain (Dkt. 54) to bind Defendant Lynch and permit the sharing of discovery and information between the defendants. A proposed order is attached.

II. Discovery Status

The Government made multiple productions of discovery to Defendant Chamberlain following

his initial appearance and through December 2022. On May 19, 2023, following Defendant Lynch's initial appearance on May 11, 2023, the Government made its first production of discovery to Defendant Lynch, consisting of approximately 1.5 TB of data. That day, the Government also provided Defendant Lynch an index of additional discovery it was copying. Except for a subset of documents that require a password to decrypt, that additional discovery (comprising over 5TB of data) was produced on June 16, 2023. The government also made an additional discovery production to Defendant Chamberlain on June 16, 2023. The Government will produce the same indices and documents to both defendants. The Government has not identified additional discovery at this time, but will continue to honor its discovery obligations. This volume of data will take a long time to process, upload and review; as such, defendants reserve the right to seek adjustments to the proposed schedule.

III. Severance

The defense needs additional time to consider matters that might influence the need for a severance, including the review of recently produced discovery and the admissibility of evidence from the UK civil trial between HP and Mr. Lynch (*ACL Netherlands B.V. et al. v. Michael Richard Lynch et al.*, Case No. HC-2015-001324). Any defense motion for a severance will be filed by July 21, 2023.

IV. Superseding Indictment

The Government represents to the Court that it does not believe any change in the charging document will impact the trial schedule outlined below. The defense is in no position to assess the impact of any future changes in the charging document on the trial schedule, motion practice, or Rule 15 briefing, and requests that the Court direct the Government to file any such changes on or before September 1, 2023.

V. Evidence from the U.K. Civil Trial

The parties conferred regarding the admissibility of evidence presented in the civil suit brought by HP against Defendant Lynch. The parties recognize potential confrontation clause and evidentiary issues associated with the admission of foreign evidence. The parties will continue to meet and confer on a case-by-case basis regarding whether any such testimony or documentary evidence can be admitted by stipulation.

1 **VI. *Hussain* Trial Exhibits**

2 Exhibit numbers used in *United States v. Hussain*, Case No. 16-cr-00462 (CRB), shall remain the
3 same in this case. Exhibits from the civil suit brought by HP against Defendant Lynch shall be added
4 for identification purposes to the *Hussain* Exhibit List. All parties reserve all objections to admission of
5 such exhibits.

6 **VII. Proposed Trial Schedule**

7 The parties propose the following schedule:

8 1. On or before August 8, 2023, the United States shall provide a list of alleged co-
9 conspirators including alleged co-conspirators in relation to the conspiracy alleged in Count 17. (This
10 commitment is without prejudice to any arguments the United States may raise in opposition to any
11 motion for a bill of particulars.)

12 2. On or before October 4, 2023, pretrial motions pursuant to Rule 12 of the Federal Rules
13 of Criminal Procedure are to be filed.

14 3. On or before October 18, 2023, oppositions to Rule 12 motions are to be filed.

15 4. On or before October 25, 2023, replies in support of Rule 12 motions are to be filed.

16 5. On November 1, 2023, any Rule 12 motions shall be heard by the Court.

17 6. On or before November 14, 2023, any Rule 15 motions for foreign depositions are to be
18 filed.

19 7. On or before November 28, 2023, oppositions to Rule 15 motions for foreign depositions
20 are to be filed.

21 8. On or before December 5, 2023, replies in support of Rule 15 motions for foreign
22 depositions are to be filed.

23 9. On December 12, 2023, any Rule 15 motions for foreign depositions shall be heard by
24 the Court.

25 10. On or before December 18, 2023, the United States shall serve a summary pursuant to
26 Rule 16 of the Federal Rules of Criminal Procedure for each expert witness that it intends to call at trial
27 in its case-in-chief.

28 11. The Government proposes that on or before December 18, 2023, the United States shall

1 identify any evidence it anticipates seeking to admit under Rule 404(b) of the Federal Rules of
2 Evidence. Defendants propose that the Government do so on or before August 8, 2023 so that
3 Defendants can identify potential Rule 15 witnesses and timely prepare for Rule 15 briefing.

4 12. On or before January 11, 2024, the United States shall serve its witness and exhibit lists.
5 (The Defendants also propose the Government be ordered to serve a preliminary witness list on or
6 before August 8, 2023 so that defendants can identify potential Rule 15 witnesses and timely prepare for
7 Rule 15 briefing. The government objects to this proposal.)

8 13. On or before January 18, 2024, Defendants shall serve a summary pursuant to Rule 16 of
9 the Federal Rules of Criminal Procedure for each expert witness that they intend to call at trial in his
10 case-in-chief.

11 14. On or before February 22, 2024, the United States shall serve a summary pursuant to
12 Rule 16 of the Federal Rules of Criminal Procedure for each expert witness that it intends to call at trial
13 in rebuttal to expert testimony offered by Defendants.

14 15. On or before February 28, 2024, Defendants shall complete their disclosures required by
15 Rule 16 of the Federal Rules of Criminal Procedure.

16 16. On or before March 6, 2024, motions in limine are to be filed.

17 17. On or before March 20, 2024, oppositions to motions in limine are to be filed.

18 18. On or before March 27, 2024, replies in support of motions in limine are to be filed.

19 19. On or before April 3, 2024, pretrial conference statements, proposed juror questionnaires,
20 proposed voir dire questions, proposed jury instructions, and proposed verdict forms are to be filed.

21 20. On April 10, 2024, motions in limine shall be heard by the Court, and the Court shall
22 hold a pretrial conference.

23 21. On April 29, 2024, jury selection shall commence. On each day of jury selection,
24 following jury selection, the Court shall hold hearings on remaining pretrial issues as necessary.

25 22. On May 6, 2024, trial shall commence.

26 23. On May 13, 2024, Defendants shall serve their witness and exhibit lists.

1 DATED: June 16, 2023

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4 *Robert S. Leach*

5 By: _____

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8 DATED: June 16, 2023

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16 DATED: June 16, 2023

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